

In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.  
("MTBE") Products Liability : 00 Civ. 1898 (SAS)  
Litigation : MDL 1358

This document pertains to:  
City of New York v. Amerada Hess,  
et al.,  
No. 04 Civ. 3417

JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

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The Court having reviewed the objections to designated portions of the deposition of Eugene Capaldi dated September 19, 2000, the objections are determined as follows, except insofar as any relevance objections not explicitly ruled on are reserved for trial:

<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
1	42:4-43:20	Overruled; the witness is testifying to his own knowledge of communications with the EPA.
2	49:17-51:10	Sustained; speculation, lack of foundation.
3	61:2-62:2	Overruled; foundational questions, not hearsay.
4	63:02-65:8	Overruled; although reading from a document that may technically be hearsay, the witness is reiterating information he personally communicated at the time.
5	130:5-131:11	Overruled; the exhibit at issue is admissible under Fed. R. Evid. 803(16).

SO ORDERED.

JAMES C. FRANCIS IV  
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UNITED STATES MAGISTRATE JUDGE

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